

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANGELA ZIVE, *et al.*,

Plaintiffs,

v.

GEICO ADVANTAGE INSURANCE
COMPANY,

Defendant.

Case No. 3:24-CV-00424-ART-CLB

**ORDER GRANTING *SUA SPONTE*
EXTENSION TO FILE A REPLY TO
DEFENDANT'S MOTION TO STAY
DISCOVERY**

[ECF No. 15]

On November 25, 2024, Plaintiffs filed a "Motion Regarding Discovery Dispute," (ECF No. 14), in compliance with the undersigned Magistrate Judge's Standing Order. (ECF No. 11.) Pursuant to the Standing Order, Defendant was required to file a response "no later than 2 court days after the initial motion" was filed. (*Id.* at 4.) However, rather than file an opposition to Plaintiffs' Motion, Defendant filed a motion to stay discovery. (ECF No. 15.) The Court then ordered Defendant to file a response or opposition to the motion regarding discovery dispute and noted that simply filing a motion to stay discovery did not constitute an opposition to the motion regarding discovery dispute. (See ECF No. 16.) On December 6, 2024, Defendant filed its response to the motion regarding discovery dispute. (ECF No. 17.) The same day, Plaintiffs filed their response to Defendant's motion to stay discovery. (ECF No. 19.)

On December 19, 2024, Plaintiffs filed a "Notice Regarding [Defendant's] Failure to File a Reply Pursuant to LR 7-2(b) and LR 7-2(d)." (ECF No. 20.) Plaintiffs' notice asserts that Defendant's failure to file a timely reply to their motion to stay discovery constitutes a consent to the denial of the motion. (*Id.* at 2.) The same day, Defendant filed a Notice responding to Plaintiffs' Notice, asserting that they did not file a reply, in accordance with its understanding of the Court's Standing Order. (ECF No. 21.)

First, Defendant's understanding of the Court's Standing Order is incorrect. The provision discussing not filing a reply is specific to motions regarding discovery dispute,

1 not motions to stay discovery. (See ECF No. 11 at 4.) Second, while Plaintiffs cite to
2 several cases in this district which stand for the proposition that the lack of reply
3 constitutes consent to the denial of a motion, the undersigned respectively disagrees that
4 the lack of reply to a motion necessarily and automatically constitutes consent to the
5 denial of a motion. Nonetheless, in light of Defendant's apparent misunderstanding of the
6 Court's Standing Order, the Court will *sua sponte* grant Defendant an opportunity to file
7 a reply.

8 Accordingly, the Court *sua sponte* grants one extension to file a reply to the motion
9 to stay discovery, by no later than Friday, January 3, 2025. No further extensions of time
10 will be granted.

11 **IT IS SO ORDERED.**

12 **DATED:** December 23, 2024



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14 **UNITED STATES MAGISTRATE JUDGE**
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